

FLOOR SCHEDULE FOR THURSDAY, OCTOBER 8, 2015

HOUSE MEETS AT:	FIRST VOTE PREDICTED:	LAST VOTE PREDICTED:
10:00 a.m.: Morning Hour 12:00 p.m.: Legislative Business Fifteen "One Minutes"	???	???

****Members are advised that the House will meet at 12:00 p.m. and recess immediately to allow for the Republican Conference Meeting. One minutes will occur after the House reconvenes.**

H.Res. 462 – Rule providing for consideration of both H.R. 538 – Native American Energy Act (Rep. Young (AK) – Natural Resources) and H.R. 702 – To Adapt to Changing Crude Oil Market Conditions (Rep. Barton – Energy and Commerce) (One hour of debate).

For H.R. 538, the Rules Committee has recommended a structured Rule that provides for one hour of general debate equally divided and controlled by the Chair and Ranking Member of the Committee on Natural Resources. The Rule allows for 2 amendments, debatable for 10 minutes equally divided between the offeror and an opponent. The Rule allows one motion to recommit, with or without instructions, and waives all points of order against the legislation.

For H.R. 702, the Rules Committee has recommended a structured Rule that provides for one hour of general debate equally divided and controlled by the Chair and Ranking Member of the Committee on Energy and Commerce. The Rule allows for 10 amendments, debatable for 10 minutes equally divided between the offeror and an opponent. The Rule allows one motion to recommit, with or without instructions, and waives all points of order against the legislation.

The Rules Committee rejected a motion by Mr. McGovern of Massachusetts to consider H.R. 538 and H.R. 702 under open Rules. **Members are urged to VOTE NO.**

H.R. 538 – Native American Energy Act (Rep. Young (AK) – Natural Resources). H.R. 538 seeks to foster energy development on Native American tribal lands by authorizing expedited review and consideration of energy projects or appraisals, which in turn will lead to less environmental protection, public involvement, and regulatory oversight. H.R. 538 would deem an appraisal approved if the Department of the Interior fails to respond within sixty days.

H.R. 538 will also amend the National Environmental Policy Act (NEPA) to limit review of an environmental impact statement for projects on Native American tribal lands to only tribal members and individuals residing within an undefined "affected area." The language in H.R. 538 is so broadly written that there are no specifics on what an affected area would include and this provision could potentially apply to additional projects such as mining contracts, proposed water development projects, construction of solid waste facilities, construction of tribal casinos, and non-tribal partner projects that are located on Indian lands.

H.R. 538 weakens environmental justice protections by making it extremely difficult for members of the public to challenge energy projects by preventing the recovery of attorney's fees for their claims and potentially making the plaintiff responsible for the defendant's attorney fees and costs.

Lastly, H.R. 538 contains a provision that would exempt tribal land from the Department of the Interior's regulations on hydraulic fracturing or "fracking."

The Rule provides for no further general debate and makes in order 10 amendments, debatable for 10 minutes, equally divided between the offeror and an opponent. The amendments are:

- Young (AK) Manager's Amendment.** Clarifies that a state, tribes, and local governments in an affected area of a proposed federal action on Indian lands may continue, as provided under current law, to comment on an environmental impact statement required under the National Environmental Policy Act, and that Section 4 shall not limit any public comment on a federal action concerning gaming on Indian lands under the Indian Gaming Regulatory Act.
- Lujan Grisham Amendment.** Allows the Forest Service to create a pilot program that would execute contracts with tribes to perform administrative, management, and other functions of programs of the Tribal Forest Protection Act of 2004.



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Bill Text for H.R. 538:

[PDF Version](#)

Background for H.R. 538:

[House Report \(HTML Version\)](#)

[House Report \(PDF Version\)](#)

TOMORROW'S OUTLOOK

The GOP Leadership has announced the following schedule for Friday, October 9: The House will meet at 9:00 a.m. for legislative business. The House is expected to consider H.R. 702 – To Adapt to Changing Crude Oil Market Conditions (Rep. Barton – Energy and Commerce) (Subject to a Rule).

The Daily Quote

"This is getting ridiculous. A clear majority of Congress wants to reauthorize the [Export-Import] bank... So let's just do it already."

- Rep. Stephen Fincher (R-TN), The Hill, 10/7/2015